

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY EXAMINATION REPORT

CORRECTED VERSION

REC'D 11 JAN 2002

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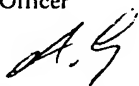
(PCT Article 36 and Rule 70)

12

Applicant's or agent's file reference 005012	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU00/01052	International Filing Date (<i>day/month/year</i>) 4 September 2000	Priority Date (<i>day/month/year</i>) 2 September 1999
International Patent Classification (IPC) or national classification and IPC Int. Cl.⁷ B65D 75/32, 75/60, 85/72, A47G 19/18		
Applicant SNAP PAK INDUSTRIES (AUST) PTY LTD et al		

1.	This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.																								
2.	This REPORT consists of a total of 6 sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of 4 sheet(s).																								
3.	This report contains indications relating to the following items: <table style="width: 100%; border: none;"><tr><td style="width: 5%;">I</td><td style="width: 5%; text-align: center;"><input checked="" type="checkbox"/></td><td>Basis of the report</td></tr><tr><td>II</td><td style="text-align: center;"><input type="checkbox"/></td><td>Priority</td></tr><tr><td>III</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td>IV</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Lack of unity of invention</td></tr><tr><td>V</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td>VI</td><td style="text-align: center;"><input type="checkbox"/></td><td>Certain documents cited</td></tr><tr><td>VII</td><td style="text-align: center;"><input type="checkbox"/></td><td>Certain defects in the international application</td></tr><tr><td>VIII</td><td style="text-align: center;"><input checked="" type="checkbox"/></td><td>Certain observations on the international application</td></tr></table>	I	<input checked="" type="checkbox"/>	Basis of the report	II	<input type="checkbox"/>	Priority	III	<input checked="" type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	IV	<input checked="" type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input checked="" type="checkbox"/>	Certain observations on the international application
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VERSION

Date of submission of the demand 26 March 2001	Date of completion of the report 21 December 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  ADRIANO GIACOBETTI Telephone No. (02) 6283 2579

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description, pages 1-26 as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☒ the claims, pages , as originally filed,
pages , as amended (together with any statement) under Article 19,
pages , filed with the demand,
pages 27-30 received on 18 December 2001 with the letter of 18 December 2001
- ☒ the drawings, pages 1/10-10/10 as originally filed,
pages , filed with the demand,
pages , received on with the letter of
- ☐ the sequence listing part of the description:
pages , as originally filed
pages , filed with the demand
pages , received on with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be nonobvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos: 8-11

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claim Nos. 8-11

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

- ☐ restricted the claims.
- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☐ neither restricted nor paid additional fees.

2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

1. Independent claims 1 and 6 (and appended claims 2-5 and 7) are directed to a sachet, and to a method of forming the sachet. The sachet comprises a tray portion to which is non-releasably sealable affixed a composite releasably sealable structure comprising first and second layers with respective first and second sub-aperture regions, and a rupturable film component over the second sub-aperture region. It is considered that a sachet comprising a tray portion and particular composite structure comprises a first "special technical feature".
2. Independent claims 8 and 11 (and appended claims 9 and 10) are directed to another sachet for the packaging and dispensing of an item or flowable material. The sachet comprising a semi-rigid member having formed thereon a weakened region that will fracture upon bending across the weakened region; a reservoir means to contain an item or flowable substance formed by overlaid first and second flexible film layers; the second film layer affixed upon the semi-rigid member and a region of the second film layer immediately surrounding an aperture being sealed to the adjacent region of the semi-rigid member so as to prevent leakage of the flowable substance from the reservoir means; the aperture has a rupturable film component; and whereby fracturing along the weakened region will expose the aperture and allow the item or flowable substance to be dispensed. It is considered the features of this sachet comprises a second "special technical feature".

These two groups of claims are not linked as to form a single general inventive concept, that is, they do not have any common inventive features, which define a contribution over the prior art. The common concept linking together these groups of claims is a sachet with layer having an aperture covered by a rupturable film component. However this concept is not novel in the light of general sachet articles such as those disclosed in prior art documents mentioned in the description of the present application or mentioned in this report. Therefore these claims lack unity of invention, a posteriori.

4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-7

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims 1-7	YES
	Claims	NO
Inventive step (IS)	Claims 1-7	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-7	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)Cited Prior Art Documents

(D1) AU 72071/74 (482452) B (SANFORD REDMOND)

(D2) US 4236652 A (BEGUHN)

(D3) US 4611715 A (REDMOND)

(D4) AU 10224/95 A (ALUSUISSE-LONZA SERVICES LTD)

(D5) AU 65366/96 (714064) B (THORTON INVESTMENTS LTD)

NOVELTY(N) AND INVENTIVE STEP(IS): Claims 1-7

The invention of amended claims 1-7 relates to a sachet and to a method of forming the sachet. The sachet comprises a tray portion with a composite releasably sealable structure. The composite structure having a first layer overlaying a second layer, and including an aperture region with a first sub-aperture in the first layer in communication with a second sub-aperture region in the second layer. The second sub-aperture comprises a rupturable film component. It is considered that the combination of features above defining the sachet are not specifically disclosed or fairly taught in the above prior art documents. Therefore, the invention of these claims is considered to be novel and involve an inventive step over the above documents.

Consequently the invention as defined in claims 1-7 is considered to meet the requirement of Articles 33(2) & 33(3) of the PCT.

INDUSTRIAL APPLICABILITY(IA): Claims 1-7

The invention as defined in claims 1-7 is considered to meet the requirements of Article 33(4) of the PCT because the invention can be made or used in industry.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

1. Claim 11 lacks clarity with respect to the constructional arrangement and features of this sachet. The claim defines a "second sub-aperture region" (lines 11 & 12), but there is no first sub-aperture region defined. The claim further defines an "aperture or aperture region". However, there is no indication as to which layer contains this aperture, or whether it is meant to be the same feature as the "second sub-aperture". Also there is no statement as to when the film component covering the "second sub-aperture region" is actually ruptured to enable the flowable substance to be dispensed. At present the claim only defines the weaken region of the first semi-rigid member being fractured to expose a dispensing aperture for the flowable substance to pass through. As a result the intended scope of the claim is not clear.